

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

AEVOE CORP.,

Plaintiff(s),

vs.

AE TECH CO., LTD., et al,

Defendant(s).

Case No. 2:12-cv-00053-GMN-NJK

**ORDER GRANTING IN PART  
DEFENDANT'S SECOND MOTION  
TO COMPEL**  
(Docket Nos. 256, 257)

Pending before the Court is Defendant's second motion to compel. Docket Nos. 256, 257. Plaintiff filed a response and Defendant filed a reply. Docket Nos. 283, 300. The motion came on for hearing on September 3, 2013. Docket No. 351. Based on the parties' submissions and the argument of counsel, and for the reasons discussed more fully at the hearing, the Court hereby **GRANTS** in part and **DENIES** in part the motion as follows:

(1) Interrogatories 1, 3, 10: The motion to compel is **DENIED**, as the Court finds that Plaintiff has sufficiently responded to these interrogatories.

(2) Interrogatory 2: The motion to compel is **GRANTED**, as Rule 33(d) only allows for the designation of documents if, *inter alia*, "the burden of deriving or ascertaining the answer [to the interrogatory] will be substantially the same for either party." Plaintiff must supplement its interrogatory answer stating specifically the date (in standard American format) of the first drawing of the touch screen protector.

(3) Interrogatories 4, 5, 11: The motion to compel is **GRANTED**. Where a party in good faith believes it cannot provide a specific date for an invention's conception and/or reduction to practice,

1 courts have allowed an approximate date to be provided. *See, e.g., Boston Scientific Corp. v. Micrus*  
2 *Corp.*, 2007 WL 174475, \*1,2 (N.D. Cal. Jan. 22, 2007). At the same time, however, a patentee cannot  
3 answer an interrogatory by stating that the conception and/or reduction to practice dates are “no later  
4 than” a particular date. *See Nazomi Communications, Inc. v. ARM Holdings PLC*, 2003 WL 24054504,  
5 \*2 (N.D. Cal. Sept. 3, 2003). For the same reasons here, to the extent Plaintiff in good faith believes it  
6 cannot provide a specific date, the Court finds that Plaintiff must supplement its interrogatory answers  
7 by providing approximate dates without referring to dates “no later than” the date provided.

8 (4) The parties’ requests for sanctions are denied.

9 (5) **To the extent the motion to compel is granted above, Plaintiff shall provide**  
10 **supplemental interrogatory answers within 14 days of this order.**

11 IT IS SO ORDERED.

12 Dated: September 4, 2013

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16 NANCY J. KOPPE  
17 UNITED STATES MAGISTRATE JUDGE  
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